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PATENT
ATTORNEY DOCKET NO. DIVER1230-1
(09010/045001)

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mathur, et al.
Serial No.: 09/202,681
Filed: December 23, 1999
Title: THERMOSTABLE PHOSPHATASES

Art Unit: 1652
Examiner: R. Hutson

BOX AF
Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JAN 25 2002
TECH CENTER 1650/2900

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application, please find:

1. Notice of Appeal (2 pages);
2. Petition for One (1) Month Extension of Time (2 pages); and
3. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, December 14, 2001 , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Cecilia Tobin (Name of Person Mailing Paper)	
<i>Cecilia Tobin</i> (Signature)	December 14, 2001 (Date)

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The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	12	20	0	x \$18	x \$09	\$.00
Independent Claims	4	4	0	x \$84	x \$42	\$.00
Multiple Claims				\$280	\$140	\$.00
Basic Filing Fee				\$740	\$370	\$.00
					TOTAL FEE	\$.00

The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is attached.

Respectfully submitted,

Date: December 14, 2001


Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO Customer Number 28213

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

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104703-159194



#127/114

GPO 2002

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:
DIVER1230-1

RECEIVED

JAN 25 2002

1600/2900

In re Application of:
Mathur, et al.

Application No:
09/202,681

Filed:
December 23, 1999

For: THERMOSTABLE PHOSPHATASES

Group Art Unit:
1652

Examiner:
R. Hutson

Applicants hereby appeal to the Board of Appeals from the decision transmitted via facsimile on October 16, 2001 of the Examiner rejecting claims 1-11.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	<input checked="" type="checkbox"/>	small entity	\$160.00

2.	<input checked="" type="checkbox"/>	A petition and fee for an extension of time for reply to the rejection is attached.						
	<input checked="" type="checkbox"/>	Extension Fee (37 C.F.R. 1.17(a))						
		other than small entity						
		\$110.00		\$400.00		\$920.00		\$1,440.00
	<input checked="" type="checkbox"/>	small entity						
	<input checked="" type="checkbox"/>	\$55.00		\$200.00		\$460.00		\$720.00

PATENT
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Art Unit: 1652
Examiner: R. Hutson

3. The Commissioner is hereby authorized to charge a total amount of \$215.00; which consists of \$160.00 for the Notice of Appeal fee; and \$55.00 for the One (1) Month Extension of Time, and any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of this sheet is attached.

December 14, 2001
Date



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

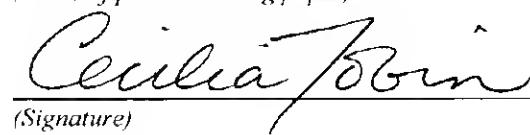
GRAY CARY WARE & FREIDENRICH I.I.P.
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

Customer Number 28213

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date **December 14, 2001**, addressed to: Commissioner for Patents, Washington, D.C. 20231.

Cecilia Tobin
(Name of person mailing paper)



December 14, 2001

(Date)